

A G E N D A

BOARD OF SHELBY COUNTY COMMISSIONERS

CHARTER FORM OF GOVERNMENT

APRIL 12, 2004

1:30 P.M. COMMISSION CONVENES

CALL TO ORDER Deputy Sheriff James Gladney

INVOCATION Elder Andrew Jackson, Faith Temple

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Sessions

**RENDTORFF March 22, 2004
ADOPTED March 24, 2004**

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

**BOLTON 1. Resolution welcoming Beate Weber, Chief Executive and
ADOPTED County Commissioner of the County of Bernkastel-Wittlich,
Germany.**

**MALONE 2. Resolution acknowledging April 2004, as “Donate Life Month”
ADOPTED in Shelby County.**

**THOMPSON 3. Resolution commending the White Station High School
ADOPTED ‘Spartans’ Boys Basketball Team, as Tennessee Secondary
Athletic Association (TSAA) Class AAA State Champions.**

**THOMPSON 4. Resolution acknowledging April 18, 2004, as “Memphis and
ADOPTED Shelby County Day of Prayer” for crime victims and those
who serve them.**

**BOLTON 4A. Resolution acknowledging biography of Jesse Turner,
ADOPTED entitled, “Except by Grace” set to be debuted at the National
Civil Rights Museum on April 17, 2004.**

**HOOKS
(DEFERRED
TO 04/26/04)**

- 4B. A memorial resolution to honor Mr. David Toney, Jr.**

Ordinances

**MOSS
APPROVED**

- 5. ORDINANCE – SECOND READING – (ZTA 03-002 CC)**
A Joint Ordinance amending the Memphis and Shelby County Zoning Ordinance-Regulations, adopted by the Shelby County Board of Commissioners on October 6, 1980 and the Council of the City of Memphis on October 7, 1980; being Resolution and Joint Ordinance No. 3064, as amended, so as to make certain changes therein as follows:
- 1) Amend Section 29 – Signs,
Subsection III – Definitions;
Subsection IV – Classification of signs;
Subsection V – Signs Prohibited;
Subsection VI – General Standards;
Subsection VII – Permanent On-Premise Sign Regulations;
Subsection XII – Violations; and
Creating a new Subsection XIII –
Enforcement and Penalties.**
 - 2) Amend Section 30 – Non-conformities,
Subsection E – Non-conforming On-Premise and
Off-Premise Signs;
Providing for severability;
Providing for repeal of conflicting ordinance
Requirements;
And providing an effective date.**

**MOSS
(DEFERRED
TO 04/26/04)**

- 6. ORDINANCE – FIRST READING – An Ordinance to amend Chapter 7, Article XI, of the Code of Ordinances of Shelby County, Tennessee, relative to security alarm services.**

Zoning and Subdivisions

**MOSS
ADOPTED
(A-F)**

- 7. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.**

Reports and/or Resolutions of Standing Committees

**KIRK
ADOPTED**

- 8. Resolution approving the sale of seventeen delinquent tax parcels from tax sale(s) 48, 55, 82.1, 82.2, 83.1, 85.2, 89.5, 92.2A, 96.1, 98.2 and 99.1 pursuant to the provisions of Tennessee Code Annotated Section 67-5-2507.**

**KIRK
ADOPTED**

- 9. Resolution approving the sale of thirteen delinquent tax parcels from tax sale(s) 53, 54, 89.5, 94.5, 96.1, 96.2, 99.1 and 99.2 pursuant to the provisions of Tennessee Code Annotated Section 67-5-2507.**

KIRK ADOPTED	10.	Resolution approving the sale of seventeen delinquent tax parcels from tax sale(s) 16, 82.1, 85.2, 89.6, 91.1A, 95.1, 95.2, 97.4, 98.2 and 99.2 pursuant to the provisions of Tennessee Code Annotated Section 67-5-2507.
KIRK ADOPTED	11.	Resolution amending previously approved Resolution #4, adopted March 22, 2004; said resolution to be amended by changing parcels from tax sale(s) 53, 54, 89.4, 89.5, 96.1, 96.2 and 99.1 to parcels from tax sale(s) 55, 82.1, 82.2, 83.1, 85.2, 89.3, 89.5, 89.6, 93.3, 94.3, 95.1, 96.1, 97.1, 97.2, 97.3 and 99.1.
KIRK ADOPTED	12.	Resolution appropriating \$125,000.00 from FY 2003/2004 CIP Project Number 101911, MIFA, to assist in the renovation of the Metropolitan Interfaith Association (MIFA) Headquarters.
KIRK (DEFERRED TO 04/26/04)	13.	Resolution to approve an amendment between Shelby County Government and E-Applications Solutions Group, Inc., for maintenance services for the administrative management support software in the total amount of \$179,931.15 from FY 2004/2005, Operations and Maintenance Budget, Account Number 010-201804-6780.
KIRK (DEFERRED TO 04/26/04)	14.	Resolution to approve an amendment between Shelby County Government and Delphax Technologies, Inc. for maintenance and support of the Duplex Printing System, in the total amount of \$92,737.56 from FY 2004/2005 Operations and Maintenance Budget, Account Number 010-201804-6780.
LILLARD ADOPTED	15.	Resolution amending the FY 2003/2004 Budget for the City of Memphis share of the cost for the construction of a protective cover for the Jackson Pit Landfill on Tchulahoma Road, accepting the reimbursement from the City of Memphis for said costs, and appropriating funds in the amount of \$946,799.04 from the FY 2003/2004 Budget for CIP Project No. 101726, Jackson Pit Landfill.
LILLARD ADOPTED	16.	Resolution amending the FY 2003/2004 budget, appropriating funds in the amount of \$29,700.00 from the FY 2003/2004 budget for CIP Project Number 100130, Shelby Drive, to fund Amendment Number 1 to Contract Number CA023181 with Barge Waggoner Sumner & Cannon, Inc., for the design services for Shelby Drive from Harvest Knoll and Hacks Cross Road, and rescinding Resolution Number 8 adopted on December 8, 2003.
LILLARD ADOPTED	17.	Resolution approving expenditure of funds by Shelby County Government to Link-Belt Construction Equipment for the purchase of a 50-ton hydraulic truck crane in the amount of \$347,000.00.
LILLARD ADOPTED	18.	Resolution amending a contract to Lehman-Roberts Company for the FY 2003/2004 Asphalt Concrete Surfacing Program, Phase 1 Area 1, in the amount of \$79,127.37.

LILLARD ADOPTED	19.	Resolution approving expenditure of funds by Shelby County Government to Power Equipment Company for the purchase of an asphalt paver in the amount of \$71,697.00.
LILLARD ADOPTED	20.	Resolution authorizing the mayor to enter into a contract with Triple K Construction Company for the construction of improvements to the Yorktown Drainage System, appropriating funds in the amount of \$168,077.10 and appropriating \$16,807.71 for extra work allowance from Project Number 100102, Drainage Improvements.
LILLARD ADOPTED	21.	Resolution authorizing amendment number 1 to contract number CA041148 with Continental Engineering, Inc., for Wetland Mitigation Monitoring and Report Documentation at several locations in Shelby County, amending the budget and appropriating funds in the amount of \$26,700.00 from the FY 2003/2004 Budget for CIP Project No. 101941, Wetland Mitigation.
AVERY ADOPTED	22.	Resolution to approve a License Agreement with the Regional Medical Center at Memphis in the amount of \$56,236.00 for the period July 1, 2004 – June 30, 2005, for office space at Adams Pavilion, Memphis, Tennessee, for the Health Department’s TennCare Dental Prevention Program.
AVERY ADOPTED	23.	Resolution approving expenditure of funds in the amount of \$76,000.00 for the provision of rehabilitation services for the residents of Oakville Health Care Center.
AVERY ADOPTED	24.	Resolution to approve a new lease agreement with Nussbaum Properties, LLC, in the amount of \$143,820.00 for the three (3) year period July 1, 2003 – June 30, 2006, for warehouse and office space at 757 Galloway for the Health Department’s Commodity Supplemental Food Program and WIC Program.
THOMPSON (DEFERRED TO 04/26/04)	25.	Resolution to approve a contract between Corrlogic, Inc., and Shelby County Government, Information Technology, for custom programming services to migrate their Jail Management System (JMS) to current technology and to appropriate funds from FY 2003/2004 CIP Project No. 101714 in an amount not to exceed \$910,000.00.
THOMPSON (DEFERRED TO 04/26/04)	26.	Resolution to approve an amendment between Corrlogic, Inc., for extended support JMS (Jail Management System) and IMS (Institutional Management System) in the total amount of \$399,439.00 from the FY 2004/2005 Operations and Maintenance Budget.
THOMPSON ADOPTED	27.	Resolution approving expenditure of funds in the amount of \$65,880.00 to Care Safety, LLC for the purchase of latex gloves for the Sheriff’s office Jail Division.

THOMPSON ADOPTED	28.	Resolution approving a subgrant in the amount of \$3,150.00, net of required matching contribution to the City of Collierville pursuant to the Juvenile Accountability Block Grant for the term October 1, 2003 to September 30, 2004.
THOMPSON ADOPTED	29.	Resolution approving the reclassification of a position in the Shelby County Fire Department.
THOMPSON ADOPTED	30.	Resolution approving the reactivation of (3) three positions in the Shelby County Fire Department.
THOMPSON ADOPTED	31.	Resolution to approve an amendment to the FY 2003/2004 Budget of the Shelby County Fire Department.
HOOKS ADOPTED	32.	Resolution to amend a contract in the amount of \$80,000.00 (Eighty Thousand Dollars) between Shelby County Government and the City of Memphis on behalf of the Memphis and Shelby County Division of Planning and Development relative to coordination and financial reimbursement of transportation planning activities in the Memphis Urban area.
RENDTORFF ADOPTED	33.	Resolution to approve amendment #1 to the Shelby County Community Services Agency Low Income Home Energy Assistance Program contract due to additional allocations from the Tennessee Department of Human Services and to amend the FY 2004 Operating Budget from \$4,201,625.00 to \$4,290,731.00, an increase of \$89,106.00.
MOSS ADOPTED	34.	Resolution amending the FY 2003/2004 CIP Budget; authorizing the awarding of the contract to Haines Electric Company, Inc., for various ball field lighting in the amount of \$327,734.00 and to appropriate funds in the amount of \$18,034.00 including a contingency allowance of \$16,300.00 from the FY 2003/2004 CIP Budget Number 101124, Various Ball Field Lighting.
FORD ADOPTED	35.	Resolution approving benefit design changes for Express Scripts Prescription Drug Plans applicable to the Cigna POS and United Health Care plans. These changes are effective July 1, 2004.
FORD ADOPTED	36.	Resolution approving benefit design and premium changes to the Shelby County Health Care plans, United Health Care Plan and the Cigna POS Plan for plan year July 2004 – June 2005.
MALONE ADOPTED	37.	Resolution amending resolution 26 adopted on August 26, 2002 amending the charter of the Memphis and Shelby County Industrial Development Board to Authorize a Community Reinvestment Credit.

**BOLTON
ADOPTED**

CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

**KIRK
(DEFERRED
TO 04/26/04)**

38. Resolution electing member to the Shelby County Board of Equalization for a term expiring April 2006.

**KIRK
(DEFERRED
TO 04/26/04)**

39. Resolution electing member to the Shelby County Board of Equalization for a term expiring April 2006.

**KIRK
(DEFERRED
TO 04/26/04)**

40. Resolution electing member to the Shelby County Board of Equalization for a term expiring April 2006.

**FORD
ADOPTED**

41. Resolution to amend Resolution 2 adopted on March 11, 1996, regarding terms of service on the Shelby County Beer Board.

**FORD
ADOPTED**

42. Resolution to appoint/reappoint members to the Shelby County Beer Board.

**MALONE
ADOPTED**

43. Resolution appointing Commissioner Julian Bolton and Commissioner Tom Moss to serve as designated representatives on the PILOT Evaluation Committee of the Memphis and Shelby County Industrial Development Board.

Ordinances

**HOOKS
APPROVED
AS AMENDED
(DEFERRED
TO 04/26/04)**

44. **ORDINANCE – THIRD READING –**
An Amendment to the Joint Ordinance by the Council of the City of Memphis and Resolution by the Board of the County Commissioners of Shelby County, creating the Memphis and Shelby County Office of Construction Code Enforcement and prescribing its power and duties; providing for the creation of a Joint Board of Appeals and the election of its chairman and vice chairman; providing for an Administrator and two Deputy Administrators for the office; Providing for the distribution of funds accruing to said office and for the sharing the expense of operation of said board and office by said governmental bodies; adopting the current Shelby County Construction Codes and the Memphis and Shelby County Construction Codes; and authorizing the development of policies, procedures and approval procedures by both legislative bodies for a commercial demolition program and authorizing certain commercial demolition activities.

HOOKS
APPROVED
AS AMENDED
(DEFERRED
TO 04/26/04)

45. **ORDINANCE – THIRD READING**
A Joint Ordinance (ZTA 03-005 CC) amending the Memphis and Shelby County Zoning Ordinance – Regulations adopted by the Shelby County Board of Commissioners on October 6, 1980 and the Council of the City of Memphis on October 7, 1980, being Resolution and Zoning Ordinance No. 3064, as amended, so as to make certain changes therein as follows:

Amend Zoning Ordinance to amend Neighborhood Commercial (C-N) Zoning District and amend Chart 1 (Uses Permitted) to allow residential uses in the C-N District and Chart 2 (Bulk Regulations).

Zoning and Subdivisions

HOOKS
(DEFERRED
TO 04/26/04)

46. **CASE NO. S 04-005 CC**
APPLICANT: RUSCO

LOCATION: Northwest corner of Migaldi Drive
 and Nicholas Lane

REQUEST: Appeal by Pinnacle Point Neighborhood Association, Inc., of the Joint Resolution approving Pinnacle Point Subdivision, resubdivision of Lots 106 and 107 to allow for an additional lot (Lot 204) and reduce the required front yard building setback ten (10') feet for Lots 106, 107 and 204 along Migaldi Drive.

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS

(No notice of public hearing in newspaper of general circulation required; however, notice letters to interested property owners mailed on Friday, March 12, 2004.)

**HOOKS
ADOPTED**

47. CASE NO. P.D. 04-307 CC
APPLICANT: Yearwood Company (Al Yearwood)
- LOCATION:** Northeast corner of Dexter Road and Wynne Road
- REQUEST:** A residential planned development consisting of 83 lots
- Memphis and Shelby County Office of Planning and Development recommendation:
HOLD FOR REDESIGN
- Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS
- (Notice of public hearing published in the Daily News on Friday, April 2, 2004.)

**HOOKS
ADOPTED**

48. CASE NO. P.D. 04-308 CC
APPLICANT: Loyal Featherstone
- LOCATION:** North side of Holmes Road; +721.17 feet west of Gertrude Drive
- REQUEST:** A planned development to permit 47 single family detached residential lots with an average lot size of 12,255 square feet within the plan
- Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS
- Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS
- (Notice of public hearing published in the Daily News, Friday, April 2, 2004.)

Reports and/or Resolutions for Standing Committees

**KIRK
FAILED**

49. Resolution amending the budget of the Shelby County Trustee’s Office, increasing delinquent tax collections, Account Number 4102 by \$201,000.00 and requesting the release of the \$201,000.00 reserve of restricted O&M, Account Number 9530 in the Trustee’s 2003/2004 Budget.

**KIRK
ADOPTED**

50. Resolution granting property tax exempt status to the Stax Museum of American Soul Music.

**KIRK
ADOPTED**

51. Resolution establishing amended accounting policies and classifications in accordance with generally accepted accounting principles.

KIRK
(DEFERRED
TO 04/26/04)

52. Resolution approving settlement agreement in case of *Clark Construction Group, Inc., Plaintiff, VS. City of Memphis and the Memphis Cook Convention Center, Defendants*, Civil Action No. 01-2780 U.S. District Court.

MALONE
ADOPTED

53. Resolution endorsing Tennessee General Assembly Joint Resolution 71.

BOLTON
ADOPTED

54. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill, entitled "An Act to amend Chapter 131 of the Private Acts of 1969, relative to the privilege tax upon hotel occupancy in Shelby County.

BOLTON
ADOPTED

55. Resolution by the Board of County Commissioners of Shelby County, Tennessee, expressing support for Senate Bill Number 3242 and House Bill Number 3289 relative to classification of property for purposes of property taxation.

Announcements/Statements

56. Notification from county mayor of various appointments/reappointments to Boards, Commissions, and offices of Shelby County Government.
- a. Resolution approving the county mayor's nomination of *Justin Mitchell* for appointment and *Marcus Grandberry* and *John McCormick* for reappointment to the Shelby County Conservation Board for a term of five (5) years. (Comm. #9)
 - b. Resolution approving the county mayor's nomination of *Lawrence Smith* and *Ronnie Adkins* for appointment to the Municipal Solid Waste Region Board for a term of six (6) years. (Comm. #9)
 - c. Resolution approving the county mayor's nomination of *Joyce Connable*, *Shirley Harris*, *Roscoe McVay* and *Tommy Wilder* for appointment to the Shelby County Agricultural Extension Committee for a term of two (2) years. (Comm. #9)

Adjournment

WILLINGHAM
ADOPTED

57. Resolution of Adjournment to April 26, 2004, at 1:30 p.m.

AGENDA # 7
APRIL 12, 2004

7A

SUBDIVISION: BARRY FARMS P.D., SECOND AMENDMENT, PHASE 9 (P.D.03-342 CC)

DEVELOPER: RUSCO COMPANY

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO BARRY FARMS P.D., SECOND AMENDMENT, PHASE 9 (P.D. 03-342 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: SOUTH SIDE OF LOWRANCE ROAD; +/-158 FEET EAST OF RAINEY WOODS DRIVE

7B

SUBDIVISION: MILLER SUBDIVISION (S 03-008 CC)

DEVELOPER: WALTER MILLER

ACTION: RESOLUTION TO APPROVE THE PLAT FOR MILLER SUBDIVISION (S 03-008 CC) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: EAST SIDE OF BRIDGEWATER ROAD; BEGINNING +975 FEET SOUTH OF BRIDGEWATER CHURCH ROAD

7C

SUBDIVISION: OSBORN VIEW SUBDIVISION (S 04-004 CO)

DEVELOPER: WILLIAM SHAY TICKLE AND AMY K. TICKLE

ACTION: RESOLUTION TO APPROVE THE PLAT FOR OSBORN VIEW SUBDIVISION (S 04-004 CO) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: OSBORN ROAD

7D

SUBDIVISION: SPRING CREEK RANCH P.D., PHASE 1 (P.D. 99-306 CO)

DEVELOPER: BOYLE INVESTMENT COMPANY

ACTION: RESOLUTION TO APPROVE THE PLAT FOR SPRING CREEK RANCH P.D., PHASE 1 (P.D. 99-306 CO) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: EAST SIDE OF COLLIERVILLE ARLINGTON ROAD; +/-272 FEET NORTH OF RALEIGH LAGRANGE ROAD

AGENDA # 7
APRIL 12, 2004

7E

SUBDIVISION: WHITTEN FOREST P.D., PHASE 4, PART OF PARCELS 1 AND 2 (P.D. 84-380 CC)

DEVELOPER: C.I.P., LTD.

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO WHITTEN FOREST P.D., PHASE 4, PART OF PARCELS 1 AND 2 (P.D. 84-380 CC)

LOCATION: NORTHEAST CORNER OF MANSCLICK ROAD AND WHITTEN ROAD

7F

SUBDIVISION: WOODLAND HILLS P.D., FOURTH AMENDMENT, PHASE 21 (P.D. 02-306 CC)

DEVELOPER: ETHRIDGE ENTERPRISES

ACTION: RESOLUTION TO APPROVE THE PLAT FOR WOODLAND HILLS P.D., FOURTH AMENDMENT, PHASE 21 (P.D. 02-306 CC) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: WEST SIDE OF HOUSTON LEVEE ROAD; +1,300 FEET SOUTH OF MACON ROAD